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OFFICE OF PETITIONS

In re Application of
JAVITT et al.
Application No.: 09/362,199
Filing Date: July 28, 1999
Attorney Docket No.: 2685/5226

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due (Form PTOL-85) and the Notice of Allowability (Form PTOL-37) both mailed August 1, 2006, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 1, 2006.

A decision mailed September 26, 2007 dismissed applicants' petition to revive under 37 CFR 1.137(b) filed December 18, 2006 because the required reply, corrected drawings, had not been provided. The renewed petition includes corrected drawings.

Thus, the petition now satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue fee and the corrected drawings are accepted as having been unintentionally delayed.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy